

S.R. 666 - by Clower: Extending welcome to Kal Silverberg.

S.R. 667 - by Brooks: Extending welcome to Ms. Merri McCarthy.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:55 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 16, 1977.

APPENDIX

Sent to Governor

(May 13, 1977)

S.J.R. 13
S.B. 154
S.B. 155
S.B. 156
S.B. 159

Sent to Comptroller

(May 13, 1977)

S.B. 219
S.B. 336

SIXTY-EIGHTH DAY

(Monday, May 16, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Bob Sheffield, Congress Avenue Baptist Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 13, 1977, was dispensed with and the Journal was approved.

SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1326 by Clower Economic Development
Relating to activities exempted from the Railroad Commission's jurisdiction over common carriers; adding Subsection (g) to Section 1a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes).

S.B. 1327 by Patman Education
Relating to the county school administration of Fayette County.

S.R. 673 by Parker Administration
Directing the Committee on Intergovernmental Relations to study, during the interim, the methods by which local governments can make housing available to the elderly and the poor.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

H.C.R. 90, To Committee on Administration.
H.C.R. 24, To Committee on Administration.
H.C.R. 117, To Committee on Administration.
H.B. 1755, To Committee on Human Resources.
H.B. 1469, To Committee on Finance.
H.B. 1875, To Committee on Jurisprudence.
H.B. 1228, To Committee on State Affairs.
H.J.R. 37, To Committee on Jurisprudence.
H.B. 409, To Committee on Intergovernmental Relations.
H.B. 440, To Committee on Economic Development.
H.B. 612, To Committee on State Affairs.
H.B. 979, To Committee on State Affairs.
H.B. 1597, To Committee on Education.
H.B. 1796, To Committee on State Affairs.
H.B. 1977, To Committee on State Affairs.

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 1323

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 1897
H.B. 1338
H.B. 1226
H.B. 1177
H.B. 1046
H.B. 756 (Adversely)

H.B. 322**H.B. 300****C.S.S.B. 1019** (Read first time)**C.S.S.B. 714** (Read first time)**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R.	4	S.B.	451
S.J.R.	3	S.B.	548
S.J.R.	55	S.B.	624
S.B.	12	S.B.	679 (Signed subject to provisions
S.B.	18		of Sec. 49a, Article III,
S.B.	37		Constitution of the State of
S.B.	52		Texas.)
S.B.	205	S.B.	742
S.B.	426	S.B.	756

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas

May 16, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the STATE BOARD OF MEDICAL EXAMINERS: For a six-year term to expire April 13, 1983: Dr. L. G. Ballard of Granbury, Hood County is being reappointed; Dr. Max C. Butler of Houston, Harris County is being reappointed; Dr. James Russell Winn of Uvalde, Uvalde County is being reappointed; Dr. Albert Bryan Spires, Jr. of Austin, Travis County is being reappointed.

To be a Member of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: For a two-year term to expire January 31, 1979: Mr. Pedro G. Rodriguez of Odem, San Patricio County is being reappointed; Mr. Elbert Rudolph (Rudy) Day of Dallas, Dallas County is being reappointed; Mr. Donald W. Harris of San Antonio, Bexar County is being reappointed; The Honorable Fred Hofheinz of Houston, Harris County is being reappointed; The Honorable Leo J. Leo of La Joya, Hidalgo County is being reappointed; Mr. Louis D. (Bubba) Whitehead of Fort Davis, Jeff Davis County is being reappointed; For a two-year term to expire January 31, 1978: Mr. Sam E. Clonts of Knox City, Knox County is replacing Mr. Kenneth A (Buck) Douglas of Austin, Travis County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE BILL 700 WITH HOUSE AMENDMENTS

Senator Braecklein called **S.B. 700** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **S.B. 700**, Section 25 by placing a period (.) after the word "property" and deleting the remainder of the section.

Amendment No. 2

Amend **S.B. 700**, Section 3 (5) by adding the language "and originating during the developmental period." after the word "behavior".

Amendment No. 3

Amend **S.B. 700**, Section 3 (24) by deleting the word "may" and substituting the word "shall" and adding the word "appropriate" before the phrase "psychological, and sociological".

Amendment No. 4

Amend **S.B. 700**, Section 34 (g)(5) by deleting the language "90 days" and substituting the language "30 days".

Amendment No. 5

Amend **S.B. 700** by adding at the end of Section 58 a new Subsection (5) "to provide either directly or by contract with other agencies a continuum of services to those mentally retarded children, juveniles, or adults committed into its custody by the Juvenile Courts and/or the Criminal Courts."

Amendment No. 6

Amend **S.B. No. 700** Section 41, by adding after the words "RIGHT TO ADMINISTRATIVE HEARING." and "(a)" and by adding a subsection (b) to read as follows:

"No transfer of a client from one facility to another shall occur without prior approval and knowledge of the parents or guardian of the client."

Amendment No. 7

Amend **S.B. 700**, First Printing, Subchapter E, Section 24 by adding a Subsection c to read as follows:

"(c) Nothing in this subchapter nor in this Act shall be construed to permit the Department to perform unusual or hazardous treatment procedures, experimental research, organ transplantation or nontherapeutic surgery for experimental research."

The amendments were read.

Senator Braecklein moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 1323 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business and Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1323, Making supplemental appropriations to the Attorney General's Office.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend **S.B. 1323** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. In addition to current appropriations, there is hereby appropriated from the General Revenue Fund to the Attorney General's Office for the fiscal year ending August 31, 1977, the sum of Sixty-Seven Thousand (\$67,000) Dollars for the purpose of renovating offices, for relocation of personnel, and replacing equipment and materials that were lost in a fire on May 9, 1977. The appropriation shall be allocated in the following manner: Thirty-Four Thousand (\$34,000) Dollars to the Transportation Division and Thirty-Three Thousand (\$33,000) Dollars to the Insurance, Banking and Securities Division.

Section 2. The importance of this legislation and the crowded condition of the calendars of both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the bill:

Amend **S.B. 1323** by striking all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

making supplemental appropriations to the Attorney General's Office.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 1323 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1323** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Mengden, Santiesteban, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Mengden, Santiesteban, Schwartz.

**CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1793
ADOPTED**

Senator Mauzy called from the President's table the Conference Committee Report on **H.B. 1793**. (The Conference Committee Report having been filed with the Senate and read on Friday, May 13, 1977.)

On motion of Senator Mauzy, the Conference Committee Report was adopted.

SENATE BILL 1325 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1325, Relating to the name and composition of the State Board of Public Welfare and to the name and title of the Department and Commissioner of Public Welfare; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by amending Subsections (1) and (2) of Section 2 and by adding Section 2-A.

The bill was read second time.

Senator McKnight offered the following amendment to the bill:

Amend **S.B. 1325**, page 1, Section 1, subsection 1, line 17 by deleting the word "six" and the number "6" after the word "of" and inserting in their place the word "three" and the number "3". Further amend subsection 1 by deleting the word "two" and the number "2" at the beginning of line 22 and inserting in their place the word "one" and the number "1". Further amend subsection 1 by deleting the word "two" and the number "2" after the word "of" on line 23 and inserting in their place the word "one" and the number "1". Further amend subsection 1 by deleting the word "two" and the number "2" after the word "of" on line 24 and inserting in their place the word "one" and the number "1". Further amend subsection 1 by deleting the word "two" and the number "2" from the beginning of line 9 on page two and inserting in their place the word "one" and the number "1".

Amend **S.B. 1325**, page 2, Section 1, subsection 2, line 17 by deleting the words "the new members" and inserting in their place the words "a new member". Further amend page 2, subsection 2 by deleting the word "four" and the number "4" after the word "and" on line 19, and inserting in their place the word "two" and the number "2".

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1325 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1325** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Mengden, Santiesteban.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
May 16, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 97, Designating the Lone Star Cut as the official state gem stone cut of Texas.

H.C.R. 106, Granting permission to Arthur E. Postel to sue the state.

H.B. 2063, A bill to be entitled An Act relating to certain transactions exempt from regulation as auctions; amending Section 2, Chapter 320, Acts of the 64th Legislature, 1975 (Article 8700, Vernon's Texas Civil Statutes).

H.B. 2079, A bill to be entitled An Act relating to the investment of certain monies in the Federal Revenue Sharing Trust Fund; amending Section 3, Chapter 169, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4366b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2080, A bill to be entitled An Act relating to the sales and use tax exemption of certain religious, educational, charitable, or eleemosynary organizations; amending Section (H), Article 20.04, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 2104, A bill to be entitled An Act relating to municipal annexation; amending Subsection B-1, Section 7, Article I, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2115, A bill to be entitled An Act relating to surveys and inspections of health care facilities, to provide that hospitals, nursing homes, and other health care facilities shall not be subjected to duplicitous surveys and inspections by state agencies; and declaring an emergency.

H.B. 2129, A bill to be entitled An Act relating to the extent that natural gas supplies are required to maintain natural gas service to residential users or hospitals and similar uses vital to public health and safety, no person, firm, corporation, partnership, association or cooperative shall curtail the supply of natural gas for agricultural purposes, including, but not limited to, irrigation pumping and crop drying.

H.B. 2162, A bill to be entitled An Act relating to fistic combat or wrestling matches after noon on Sundays; amending Subsection (a), Section 1, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, Vernon's Texas Civil Statutes).

H.B. 2183, A bill to be entitled An Act relating to the delivery of policies of group life insurance to members of certain nonprofit service, civic, fraternal, and community organizations and associations; amending Chapter 3, Insurance Code, as amended, by adding a new Subsection (9).

H.B. 1399, A bill to be entitled An Act relating to the date on which hunting and fishing licenses expire; providing a transition period; amending Subsection (a) of Section 46.007, Parks and Wildlife Code; amending Chapter 42, Parks and Wildlife Code, by adding Section 42.0175.

H.B. 1491, A bill to be entitled An Act relating to retail charge agreements; amending Section (g) of Article 6.01, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-6.01, Vernon's Texas Civil Statutes).

H.B. 1512, A bill to be entitled An Act relating to the validation of the assumption of municipal control of certain schools, the election approving that assumption, and the acts and proceedings of the municipal school district.

H.B. 1520, A bill to be entitled An Act relating to the exemption of management search consultants from regulatory statutes applicable to private employment agencies; amending Sections 1 and 2, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1592, A bill to be entitled An Act relating to interpreters for deaf persons; amending Articles 38.31, 15.17, and 38.22, Code of Criminal Procedure, 1965, as amended; amending Section 1, Chapter 105, Acts of the 60th Legislature, Regular Session, 1967 (Article 3712a, Vernon's Texas Civil Statutes).

H.B. 1635, A bill to be entitled An Act relating to voter registration certificate forms, issuance of certificates, voter registration entitlement challenges; amending Section 46a and 49a, Texas Election Code, as amended (Article 5.14a, and Article 5.17a, Vernon's Texas Election Code).

H.B. 1679, A bill to be entitled An Act relating to changing the name of the Center for Human Resources at the University of Houston to the Institute of Labor and Industrial Relations and defining the objectives of the institute; amending Chapter 111, Texas Education Code, as amended, by adding Subchapter D-1.

H.B. 1696, A bill to be entitled An Act relating to the order of argument in a criminal case; amending Article 36.07, Code of Criminal Procedure, 1965, as amended.

H.B. 1702, A bill to be entitled An Act relating to the removal of abandoned property from a residential premises; and declaring an emergency.

H.B. 1812, A bill to be entitled An Act relating to suits to enforce the collection of delinquent ad valorem taxes on homesteads of persons 65 years of age or older; amending Chapter 937, Acts of the 62nd Legislature, Regular Session, 1971 (Article 7329a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1832, A bill to be entitled An Act relating to the method of electing municipal officers in cities having in excess of 200,000 inhabitants; amending Sections 61c and 81, Texas Election Code, as amended (Articles 6.05c and 7.16, Vernon's Texas Election Code).

H.B. 1846, A bill to be entitled An Act relating to the fee charged by the Texas Department of Health Resources for a delayed certificate of birth and for copies of vital statistics; amending Paragraph 9 of Subsection B of Section 18, and Section 21, Chapter 41, Acts of the 40th Legislature, First Called Session, 1927, as amended (Article 4477, Rule 51a(B)(9) and Rule 54a, Vernon's Texas Civil Statutes).

H.B. 1855, A bill to be entitled An Act relating to the authorized uses of the student deposit fund; amending subsection (b) of Section 51.052, Texas Education Code.

H.B. 1860, A bill to be entitled An Act relating to the time a corporation forfeits its right to do business in this state for failure to pay or report franchise taxes; relating to the personal liability of directors and officers for certain debts of corporations whose right to do business has been forfeited; amending Articles 12.14 and 12.15, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 1972, A bill to be entitled An Act relating to residence requirements for city health officers in certain cities; amending Article 1003 of, and adding Article 1146A to, Revised Civil Statutes of Texas, 1925.

H.B. 1993, A bill to be entitled An act relating to the composition of the board of directors and to the term of office and date of election for directors of underground water conservation districts; amending Section 52.052, Water Code, to become effective upon adoption of a proposed constitutional amendment.

H.B. 2007, A bill to be entitled An Act relating to use of the term “actor” in the Penal Code; amending Section 1.07(a)(2) of the Penal Code.

H.B. 1067, A bill to be entitled An Act relating to the authority of the county judge to order certain school district elections; amending Section 19.233, Texas Education Code.

H.B. 1089, A bill to be entitled An Act amending Section 22.04 of the Penal Code, (Acts 1973, 63rd Legislature, Regular Session, Chapter 399), as amended, relating to the offense of injury to a child and providing penalties therefor; and declaring an emergency.

H.B. 1121, A bill to be entitled An Act relating to the maximum weight of certain vehicles operated on public highways.

H.B. 1128, A bill to be entitled An Act relating to the rate of interest that certain agricultural credit corporations may charge; amending Article 2507, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 1132, A bill to be entitled An Act relating to a change of the term real estate salesman to real estate sales associate; adding Section 2A to The Real Estate License Act, as amended (Article 6573a, Vernon’s Texas Civil Statutes).

H.B. 1254, A bill to be entitled An Act relating to jail facilities for low risk prisoners; amending Article 5115, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 1379, A bill to be entitled An Act relating to the validation of municipal special assessment proceedings for street improvements.

H.B. 355, A bill to be entitled An Act conferring jurisdiction on the district courts to hear and determine election contests relative to boards of certain agencies; adding Article 1913a to Chapter 3, Title 40, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 432, A bill to be entitled An Act relating to persons in certain cities who are eligible to participate in the police officers’ pension system; amending Section 1, Subsection (b) of Section 2, Subsection (c) of Section 3, and Section 25, and adding Subsections (d), (e), and (f) to Section 3, Chapter 254, Acts of the 52nd Legislature, 1951 (Article 6243j, Vernon’s Texas Civil Statutes).

H.B. 657, A bill to be entitled An Act relating to the creation, administration, and powers of metropolitan rapid transit authorities; amending Sections 1 through 17A, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1118x, Vernon’s Texas Civil Statutes).

H.B. 669, A bill to be entitled An Act relating to the sale or offer for sale of the carcasses of certain fur-bearing animals at certain times; providing penalties; amending Chapter 72, Parks and Wildlife Code, by adding Section 72.0035.

H.B. 884, A bill to be entitled An Act relating to the use of school buses for nonschool activities; amending Section 16.204, Texas Education Code, as added.

H.B. 890, A bill to be entitled An Act relating to military leave of absence and restoration of employment to veterans; amending Section 1, Chapter 469, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-4a, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 916, A bill to be entitled An Act relating to the licensing requirements for certain persons involved in pest control on their own premises; amending Section 5 of the Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes).

H.B. 1008, A bill to be entitled An Act relating to the formation of county election precincts in cities having 10,000 or more inhabitants; amending Sections 1a and 12, Texas Election Code, as amended (Articles 1.01a and 2.04, Vernon's Texas Election Code).

H.B. 1045, A bill to be entitled An Act relating to the use of school buses for nonschool activities; amending Section 16.204, Texas Education Code, as added.

H.B. 2202, A bill to be entitled An Act relating to the compensation and travel expenses of commissioners of Refugio County Drainage District No. One of Refugio County, Texas.

H.B. 2206, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act to the wildlife resources of Washington County; amending Section 339.001, Parks and Wildlife Code, and repealing Sections 339.002, 339.011 and 339.012, Parks and Wildlife Code.

H.B. 2212, A bill to be entitled An Act relating to the creation, organization, administration, rights, powers, privileges, duties, functions, responsibilities, procedures, and financing of the Aquilla Water Supply District; providing procedures of annexing territory and levying taxes; authorizing the City of Hillsboro and public agencies and political subdivisions of the state to enter into contracts with the district; providing relationship of this Act to other laws; providing for the district's bearing the expense of relocation or alteration of certain properties; providing procedures for the issuance of bonds and refunding bonds; providing for their terms, security and use of proceeds; providing for taxing authority and elections in connection with the levy of taxes and issuance of bonds; providing remedies for holders of bonds in case of default; providing the characteristics of the bonds issued and their eligibility for investment and security for deposit of public funds; providing exemption from taxation; stating compliance with notice requirements of the Texas Constitution; and declaring an emergency.

H.B. 2215, A bill to be entitled An Act relating to the judge of the Court of Domestic Relations for Potter County; and amending Section 5 and Subsection (a), Section 6, Chapter 426, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2338-3, Vernon's Texas Civil Statutes).

H.B. 2216, A bill to be entitled An Act enabling the governing body of the city of Port Arthur, with respect to the waters of Lake Sabine within the corporate limits of the city, to designate or otherwise regulate by ordinance certain areas of said lake as bathing, fishing, swimming, recreational, or otherwise restricted areas.

H.B. 2217, A bill to be entitled An Act relating to the membership of the Andrews County Juvenile Board; amending Section 1, Chapter 86, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139Z, Vernon's Texas Civil Statutes).

H.B. 1023, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of Angelina County Hospital District of Angelina County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

H.B. 1194, A bill to be entitled An Act relating to creation of a game sanctuary in LaSalle County and the use and possession of certain weapons in the game sanctuary; providing a penalty; amending Chapter 82, Parks and Wildlife Code, by adding Subchapter J.

H.B. 2134, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Randall County, and making other provisions relative to the courts in Randall County.

H.B. 2151, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of the Port O'Connor Municipal Utility District of Calhoun County under Article XVI, Section 59, of the Texas Constitution.

H.B. 2153, A bill to be entitled An Act relating to the taking of deer in Grimes County; providing a penalty; amending Chapter 193, Parks and Wildlife Code.

H.B. 2165, A bill to be entitled An Act creating and establishing the East Cedar Creek Fresh Water Supply District, Henderson County, Texas, under Article XVI, Section 59 of the Constitution of Texas; prescribing the powers of the District and its governing body; making certain findings in connection therewith; providing a severance clause; and declaring an emergency.

H.B. 2171, A bill to be entitled An Act relating to the dissolution of the Kerrville South Utility District No. 1; repealing Chapter 481, Acts of the 61st Legislature, Regular Session, 1969 (Article 8280-448, Vernon's Texas Civil Statutes).

H.B. 2182, A bill to be entitled An Act relating to the name, boundaries, creation election, and directors of the Mabank-Kemp Hospital District; amending Sections 1, 3(a), 3(b), 3(c), 3(d), 4(a), and 4(c), Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973; repealing Sections 24, 25, and 26, Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973; Chapter 861, Acts of the 62nd Legislature, Regular Session, 1971, as amended; Chapter 874, Acts of the 62nd Legislature, Regular Session, 1971, as amended.

H.B. 2184, A bill to be entitled An Act relating to the Calhoun County Navigation District; amending Section 2, Chapter 195, Acts of the 53rd Legislature, Regular Session, 1953, as amended; and repealing Section 2—A, Chapter 195, Acts of the 53rd Legislature, Regular Session, 1953, as amended.

S.B. 553, Relating to the office of bailiff of the 30th, 78th and 89th District Courts. (With amendment)

S.B. 822, Relating to the Parks and Wildlife Commission's authority to set the seasons, bag limits and means and methods of taking the wildlife resources in Trans-Pecos Counties; amending Section 61.204 of the Texas Parks and Wildlife Code (VAPC Article 978j-1, Section 13, Subsection f); and declaring an emergency.

S.B. 7, A bill to be entitled An Act relating to the payment of workmen's compensation judgments against the State of Texas or any department, division, or political subdivision thereof; and declaring an emergency.

S.B. 53, A bill to be entitled An Act granting certain inheritance rights to and from an illegitimate child who has been legitimated in a voluntary legitimation proceeding under Chapter 13, Family Code; amending Section 42, Texas Probate Code.

S.B. 383, Relating to the state library system; amending Subsection (b) of Section 7, Subsection (b) of Section 9, Subsection (b) of Section 10, and Subsection (c) of Section 17, Library Systems Act (Article 5446a, Vernon's Texas Civil Statutes). (With amendments)

S.B. 432, Relating to the authority of the Parks and Wildlife Department to construct artificial reefs; amending the Parks and Wildlife Code by adding Section 12.016. (With amendment)

S.B. 465, Relating to prehearing conferences of the Industrial Accident Board; amending Subsection (b) of Section 10, Article 8307, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 499, Relating to educational or training incentive pay for certain firemen and policemen; amending Section 8A, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes). (With amendment)

S.B. 743, Relating to the lease of certain state-owned property to the city of Austin.

S.B. 804, Relating to dentists, the practice of dentistry and its regulation; amending Section 2 of Chapter 267, Acts of the 52nd Legislature, Regular Session, 1951 (codified as Vernon's Ann. Civ. St. art. 4549), as amended; repealing all laws or parts of laws in conflict; providing a severability clause; and declaring an emergency. (With amendment)

S.B. 872, Relating to property and services a school district may contract for without competitive bids; amending Subsections (a) and (b), Section 21.901, Texas Education Code, and adding Subsection (e); and declaring an emergency. (With amendment)

S.B. 875, Permitting management of street transportation systems to be placed with the governing body of a city or a board of trustees whether the system is encumbered or not; amending Section 11, Chapter 505, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 1118w, Vernon's Texas Civil Statutes, as amended); and declaring an emergency.

S.B. 937, Relating to a plea of guilty or nolo contendere; amending Subsection (a), Article 26.13, Code of Criminal Procedure, 1965, as amended.

S.B. 950, Relating to the award of contracts by navigation districts; providing that emergency contracts may be let for not more than \$5,000 without advertisement for bids; providing that notice of bids must be published for at least two weeks and posted for at least 14 days; permitting a self-liquidating navigation district to enter

into a contract for less than \$5,000 without competitive bids; allowing navigation districts having a city over 375,000 to enter into contracts less than \$5,000 without advertising for competitive bids; and declaring an emergency.

S.B. 1150, Relating to the nomination, election, and service of presidential electors; amending the Texas Election Code by amending Section 171, as amended, and Section 172 (Articles 11.02 and 11.03, Vernon's Texas Election Code), and by adding Section 170b.

S.B. 1180, Ratifying, confirming, approving, and validating the creation and organization of hospital districts created under the provisions of Article IX, Section 9 of the Constitution of Texas, all proceedings and actions taken by the board of directors or governing bodies of such districts in organizing, selecting officers, voting taxes, voting, authorizing, selling or issuing bonds of such districts; all bonds heretofore voted, authorized, approved, sold or issued by any such district, and related matters; providing a non-litigation clause; providing a saving clause; and declaring an emergency. (With amendment)

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 804 WITH HOUSE AMENDMENT

By unanimous consent, Senator Moore called **S.B. 804** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1:

Amend **S.B. 804**, page 3, line 12, by striking all of subsection "m".

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Mengden, Santiesteban.

SENATE BILL 184 WITH HOUSE AMENDMENTS

By unanimous consent, Senator Ogg called **S.B. 184** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 184** by inserting between the words "recording" and "should" on line 14, Page 13 the following:

"other than fees authorized in Article 3930(b), Revised Civil Statutes of Texas, 1925"

Committee Amendment No. 2

Amend **S.B. 184** as follows:

1. Strike the figure "\$10.00" on line 4, page 5 and insert in lieu thereof the figure "\$7.50";
2. Strike the figure "\$10.00" on line 25, page 5 and insert in lieu thereof the figure "\$7.50".

The amendments were read.

Senator Ogg moved to concur in the House amendments.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 393 ADOPTED

By unanimous consent, Senator Brooks called from the President's table the Conference Committee Report on **S.B. 393**. (The Conference Committee Report having been filed with the Senate and read on Thursday, May 12, 1977.)

On motion of Senator Brooks, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent: Mengden.

COMMITTEE SUBSTITUTE HOUSE CONCURRENT RESOLUTION 52 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

C.S.H.C.R. 52, Adopting Joint Rules of the 65th Legislature.

The resolution was read second time.

Senator Schwartz offered the following amendment to the resolution:

Amend **C.S.H.C.R. 52** by adding a new change number 1 to read as follows and renumber all subsequent changes accordingly:

1. Amend Rule 13 by adding a second paragraph to read as follows:

When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker of the House of Representatives to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill before the House to be considered in lieu of such House bill.

The amendment was read and was adopted.

Senator Moore offered the following amendment to the resolution:

Amend C.S.H.C.R. 52 by adding a new Section as follows and appropriately numbering other Sections.

Sec. No Bill or Resolution may be filed and numbered until the FIRST legislative day of any legislative session.

The amendment was read and was adopted by the following vote: Yeas 22, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Snelson, Traeger, Williams.

Nays: Doggett, Farabee, Jones of Harris, Mauzy, Ogg, Parker, Patman, Sherman, Truan.

Senator Patman offered the following amendment to the resolution:

Amend the committee substitute for H.C.R. 52 by striking all of item 1. on page 1. and substituting the following:

1. Strike Rules 14, 15, 16, and 17 in their entirety as follows and renumber subsequent rules accordingly:

~~"14. On calendar Wednesday and Thursday of each week House bills and House joint resolutions shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by a two thirds vote of the Senate to permit the continued consideration of such pending business.~~

~~"15. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill before the House to be~~

~~"16. On calendar Wednesday and Thursday of each week, Senate bills and Senate joint resolutions shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by a two thirds vote of the House to permit the continued consideration of such pending business.~~

~~"17. Notwithstanding the provisions of Joint Rules 14 and 16, either house may set local calendars or consent calendars on any calendar day and at any time permitted by the Rules of such house."~~

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Clower, Doggett, Hance, Mauzy, Meier, Mengden, Parker, Patman, Sherman, Snelson, Truan.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Moore, Ogg, Santiesteban, Schwartz, Traeger, Williams.

The resolution as amended was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Creighton, Doggett, Mauzy, Mengden, Patman, Truan.

SENATE BILL 1234 ON THIRD READING

Senator Hance moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

S.B. 1234, Relating to duties of a managing conservator; amending Section 14.02(b), Family Code.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Andujar, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Patman, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Braecklein, Clower, Creighton, Harris, Longoria, Ogg, Parker, Santiesteban, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Andujar, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Patman, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Braecklein, Clower, Creighton, Harris, Longoria, Ogg, Parker, Santiesteban, Schwartz.

SENATE JOINT RESOLUTION 18 WITH HOUSE AMENDMENT

By unanimous consent, Senator Meier called **S.J.R. 18** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.J.R. No. 18

SENATE JOINT RESOLUTION

proposing an amendment to Article V of the Texas Constitution to provide for a court of criminal appeals with nine judges and to permit the court to sit in panels of three judges.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article V, Section 1 of the Texas Constitution, be amended to read as follows:

"Section 1. JUDICIAL POWER; COURTS IN WHICH VESTED. The judicial power of this State shall be vested in one Supreme Court, in one Court of Criminal Appeals, in Courts of Civil Appeals, ~~in a Court of Criminal Appeals,~~ in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

~~"[The Criminal District Court of Galveston and Harris Counties shall continue with the district jurisdiction and organization now existing by law until otherwise provided by law.]~~

"The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto."

Sec. 2. That Article V, Section 4, of the Texas Constitution, be amended to read as follows:

"Section 4. COURT OF CRIMINAL APPEALS; JUDGES. The Court of Criminal Appeals shall consist of eight Judges and one Presiding Judge ~~[five Judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of three Judges shall be necessary to a decision of said court].~~ The [Said] Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court, and the Presiding Judge shall have the same qualifications and receive the same salary as the Chief Justice of the Supreme Court. The Presiding Judge and the Judges ~~[- They]~~ shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

~~"[The Judges of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified.]~~

~~"The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this Amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.~~

~~"The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected.]~~

"For the purpose of hearing cases, the Court of Criminal Appeals may sit in panels of three Judges, the designation thereof to be under rules established by the Court. In a panel of three Judges, two Judges shall constitute a quorum and the concurrence of two Judges shall be necessary for a decision. The Presiding Judge, under rules established by the Court, shall convene the Court en banc for the transaction of all other business and may convene the Court en banc for the purpose of hearing cases. The Court must sit en banc during proceedings involving capital punishment and other cases as required by law. When convened en banc, five Judges shall constitute a quorum and the concurrence of five Judges shall be necessary for a decision. The Court of Criminal Appeals may appoint Commissioners in aid of the Court of Criminal Appeals as provided by law."

Sec. 3. That Article V, Section 5 of the Texas Constitution, be amended to read as follows:

"Section 5. JURISDICTION OF COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. The Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

"Subject to such regulations as may be prescribed by law, regarding criminal law matters, the [The] Court of Criminal Appeals and the Judges thereof shall have the power to issue the writs [writ] of habeas corpus, mandamus, procedendo, prohibition, certiorari, and [under such regulations as may be prescribed by law, issue] such other writs as may be necessary to protect [enforce] its [own] jurisdiction, or enforce its judgements. The Court [of Criminal Appeals] shall have the power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction."

"The Court of Criminal Appeals may sit for the transaction of business at any time during the year and each term shall begin and end with each calendar year [from the first Monday in October to the last Saturday in September in each year, at the State Capitol]. The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court."

"The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment."

Sec. 4. The following transition provisions apply when this amendment takes effect:

(1) The Judges of the court of criminal appeals at the time this amendment takes effect remain judges of the court of criminal appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the constitution as it now exists and until his successor shall have been duly qualified.

(2) Each of the two members of the commission of appeals in aid of the court of criminal appeals as constituted under Section 1a, Chapter 462, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 1811e, Vernon's Texas Civil Statutes), who are in office at the time this amendment takes effect, shall become a judge of the court of criminal appeals and shall hold his office, one for a term of three years and one for a term of five years, beginning on January 1, 1978, and until his successor shall have been duly qualified. Said judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned and shall inform the governor of such designation within 30 days of the effective date of this amendment.

(3) On or after January 1, 1978, the governor shall, with the advice and consent of the senate, appoint two qualified persons as judges of the court of criminal appeals. The judges appointed by the governor shall hold office from the date of appointment and shall be nominated to the senate in the manner of appointments made during the recess of the senate as provided in Article IV, Section 12 of the Texas Constitution. Judges so appointed by the governor shall hold office until the first general election occurring after January 1, 1978, and until their successors are duly qualified. Judges elected at the first general election occurring after January 1, 1978, shall hold office for terms of six years beginning January 1, 1979, and until their successors are duly qualified.

Sec. 5. Should the legislature enact legislation in anticipation of the adoption of this amendment, such law shall not be invalid by reason of its anticipatory character.

Sec. 6. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment increasing the size of the court of criminal appeals to nine judges, and permitting the court to sit in panels of three judges."

Sec. 7. If adopted, the constitutional amendment proposed in this resolution becomes effective on January 1, 1978.

The amendment was read.

Senator Meier moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton.

SENATE JOINT RESOLUTION 52 ON SECOND READING

Senator Jones of Taylor moved to suspend the regular order of business to take up for consideration at this time:

S.J.R. 52. Proposing an amendment to Sections 4 and 5, Article XI, Constitution of the State of Texas, to lower the minimum population required for a city to adopt or amend a home rule charter to include cities having more than 1,500 inhabitants; and providing for forfeiture of charters of cities whose population declines to 1,500 inhabitants or less.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Patman.

The President then laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time.

Senator Jones of Taylor offered the following amendment to the resolution:

Amend S.J.R. 52 by striking all below the resolve clause and substituting the following in lieu thereof:

"Section 1. That Section 5, Article XI, Constitution of the State of Texas, be amended to read as follows:

"Section 5. Cities having more than five thousand (5,000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon; provided that the charter of any such city whose population shall decline to two thousand, five hundred (2,500) inhabitants or less according to any Federal Census shall be null and void and such city shall operate under the general laws of this State as provided in Section 4 of this Article; and provided further, that no city charter shall be altered, amended or repealed oftener than every two years.

"Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1977, at which election the ballots shall be printed to provide for voting for or against the proposition: 'The constitutional amendment to lower the minimum population required to enable a city to amend a home rule charter to include cities having more than 2,500 inhabitants.'"

The amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 52 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Patman.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Patman.

MESSAGE FROM THE HOUSE

House Chamber
May 16, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 764, Relating to administration and regulation of solid waste by the Texas Department of Health Resources and The Texas Water Quality Board; amending the Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes), by amending Sections 2, 3, 4, 5, and 7; and declaring an emergency. (With amendment)

H.B. 344, A bill to be entitled An Act relating to the possession and control of unkept or abandoned cemeteries located within a home-rule city in a county with a population of 500,000 or more; relating to a perpetual care trust fund to maintain cemeteries owned, operated, or controlled by a city; amending Chapter 148, Acts of the 49th Legislature, 1945 (Article 969c, Vernon's Texas Civil Statutes), by adding Section 2A.

H.B. 368, A bill to be entitled An Act relating to reporting motor vehicle accidents; amending Sections 39 and 43A and Subsection (a), Section 44, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 400, A bill to be entitled An Act relating to a city's providing fire protection and enforcing its fire protection code in designated industrial districts within its extraterritorial jurisdiction; amending the Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), by adding Section 5A.

H.B. 434, A bill to be entitled An Act relating to fishing with a spear gun and spear; adding Section 61.058 to Chapter 61, and amending Section 66.101, Section 66.107, and Subsection (a) of Section 66.202, Parks and Wildlife Code.

H.B. 447, A bill to be entitled An Act relating to information about the medical history of an applicant for a driver's license; amending Subsection (b), Section 6, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes).

H.B. 514, A bill to be entitled An Act relating to powers of fiduciaries and custodians with regard to certain securities.

H.B. 578, A bill to be entitled An Act relating to certain districts engaging in fire-fighting activities; amending the Water Code, as amended, by adding Section 50.055.

H.B. No. 936, Relating to the transfer of certain students to adjacent school districts; adding Section 21.081 to Chapter 21 of the Texas Education Code.

H.B. 1012, A bill to be entitled An Act relating to the establishment of guidelines for academic workloads at state-supported institutions of higher education; adding Subchapter H to Chapter 51 of the Texas Education Code.

H.B. 1150, A bill to be entitled An Act relating to the disposition of assets of a water district dissolved by the Texas Water Rights Commission; amending the Water Code, as amended, by adding Section 50.257.

H.B. 1168, A bill to be entitled An Act relating to the definition of "rural area" in the Rural Industrial Development Act; amending Subsection (h), Section 2, Rural Industrial Development Act (Article 5190.2, Vernon's Texas Civil Statutes).

H.B. 1152, A bill to be entitled An Act relating to the authority of certain judges in each of the counties of Brazoria, Fort Bend, Matagorda, and Wharton to create a child support office and prescribe its duties and to require the payment of a service fee to meet certain expenses of the child support office; amending Chapter 32, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5142c-1, Vernon's Texas Civil Statutes), by adding Section 7a; and declaring an emergency.

H.B. 1239, A bill to be entitled An Act relating to venue in negligence suits; amending Subdivision 9a, Article 1995, Revised Civil Statutes of Texas, 1925.

H.B. 1264, A bill to be entitled An Act relating to the use and ownership of money advanced on a contract for the rental of motion picture films.

H.B. 617, A bill to be entitled An Act relating to proportionate service retirement benefits for members of the Texas County and District Retirement System, the Texas Municipal Retirement System, the Teacher Retirement System of Texas, the Employees Retirement System of Texas, and the Judicial Retirement System of Texas; amending Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6228i, Vernon's Texas Civil Statutes), by amending Section 1, Subsection (a) of Section 4, and Subsection (a) of Section 6, and by adding Sections 6A and 6B.

H.B. 809, A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Walker County; abolishing the office of County Attorney of Walker County; and conforming the jurisdiction of the District Attorney for the 12th Judicial District.

H.B. 829, A bill to be entitled An Act relating to venue in certain tort actions, amending Subdivision 9a, of Article 1995, Revised Civil Statutes of Texas, 1925.

H.B. 858, A bill to be entitled An Act relating to an exemption from the franchise tax for certain persons manufacturing, selling, or installing solar energy devices; amending Section (1) of Article 12.03, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 1309, A bill to be entitled An Act relating to disclosure by certain professions and occupations of name and net amounts paid for tests by laboratories; and declaring an emergency.

H.B. No. 1341 relating to the penalty for making a false statement to obtain property or credit; amending Subsection (c) Section 32.32, Penal Code.

H.B. 1441, A bill to be entitled An Act relating to acquisition of banking institutions, bank holding companies and nonbanking institutions; amending The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes), by amending Article 2 of Subchapter I and by adding Articles 12 and 13 to Subchapter IX.

H.B. 1442, A bill to be entitled An Act relating to examination of affiliates of state banks; adding Article 8a to Subchapter II, The Texas Banking Code of 1943, as amended (Articles 342-201 et seq., Vernon's Texas Civil Statutes).

H.B. 1484, A bill to be entitled An Act relating to the tax rate on certain cigars; amending Article 8.02, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 899, A bill to be entitled An Act relating to the imposition of fines on funeral homes, funeral directors, morticians, and embalmers for lawful practices; amending Sections 3 and 4 of Chapter 251, Acts of the 53rd Legislature, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 932, A bill to be entitled An Act relating to the election of members of the State Board of Education; amending Section 11.21, Subsection (h) of Section 11.22, and Subsection (i) of Section 11.22, Texas Education Code, as amended.

H.B. 937, A bill to be entitled An Act relating to regulation of insurance for certain types of aircraft; amending Chapter 5, Insurance Code, as amended by adding Subchapter K.

H.B. 951, A bill to be entitled An Act relating to the competency of a defendant to stand trial in a criminal proceeding, to the insanity defense to criminal prosecution, and to the examination, transportation, and commitment of mentally ill or mentally retarded defendants; amending Articles 46.02 and 46.03 of the Code of Criminal Procedure, 1965, as amended; amending Sections 14, 31, 36, 40, 41, 44 and 45 of Chapter 243, Acts of the 55th Legislature, Regular Session, 1957, as amended

(Articles 5547-14, 5547-31, 5547-36, 5547-40, 5547-41, 5547-44, and 5547-45, Vernon's Texas Civil Statutes); providing for severability.

H.B. 963, A bill to be entitled An Act relating to venue in suits on policies against a company authorized to operate in this state that issues policies covering losses or damages to motor vehicles; amending Subdivision 28, Article 1995, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

H.B. 1760, Relating to the seizure and destruction of certain electricity producing devices used to take fish in violation of the law; amending Section 66.004, Parks and Wildlife Code, by adding Subsection (e).

H.B. 1691, relating to the prevention, control, and eradication of contagious and infectious diseases of honey bees; providing penalties; amending Title 17, Revised Civil Statutes of Texas, 1925, as amended, by amending Articles 551 and 561, and by adding Article 553a, 553b, and 562a.

H.B. 180, A bill to be entitled An Act relating to prohibiting a charge for the use of a toilet in certain places; providing a penalty; and declaring an emergency.

H.B. 126, A bill to be entitled An Act relating to the maximum assessment rate for noxious weed control districts; amending Sections 11 and 19 and adding Sections 13a and 19a to Chapter 369, Acts of the 54th Legislature, 1955, as amended (Article 135c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 190, A bill to be entitled An Act exempting from the Motor Vehicle Sales Tax the receipts from the sale or rental and the use of certain church vehicles; amending Article 6.09, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, by adding Section (3).

H.B. 247, A bill to be entitled An Act relating to admission of children under the age of 18 years to the public schools; providing for determinations adding Subsection (d).

H.B. 305, A bill to be entitled An Act relating to contractors' performance and payment bonds and certain liens for contracts over a certain amount; amending Subdivision A of Article 5150 and Article 5472a, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 332, A bill to be entitled An Act relating to evidence in a civil action of necessity of services and reasonableness of charges by a person or institution licensed by the state.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 951, To Committee on Jurisprudence.

SENATE BILL 1280 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1280, Relating to cattle guards on county roads; amending Subdivision 4, Article 6704, Revised Civil Statutes of Texas, 1925, as amended.

The bill was read second time.

Senator Clower offered the following committee amendment to the bill:

Amend **S.B. 1280** as follows:

(1) Add "containing a population of less than thirty thousand (30,000) inhabitants" between "State" on line 7 and "may" on line 12, page 1.

(2) Add a new Subdivision 5 to read as follows:

"5. Within any county authorized to construct cattle guards under the provisions of this Act, or where a landowner may lawfully construct gates, a landowner may permit livestock to run at large across any segment of a public road which is contiguous to his land on both sides, notwithstanding the provisions of any stock law in effect in such county.

(3) Add "to which this Act applies" between "county" on line 9 and "is" on line 10 of page 2.

The committee amendment was read.

On motion of Senator Doggett the committee amendment was tabled.

**VOTE BY WHICH COMMITTEE AMENDMENT TABLED
RECONSIDERED**

On motion of Senator Doggett and by unanimous consent, the vote by which the committee amendment to **S.B. 1280** was tabled was reconsidered.

Question - Shall the committee amendment be adopted?

Senator Doggett offered the following amendment to the pending committee amendment:

Amend Committee Amendment No. 1 by striking subsections (1) and (3).

The amendment to the pending committee amendment was read and was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Braecklein, Brooks, Clower, Creighton, Doggett, Jones of Taylor, Lombardino, Longoria, Mauzy, Mengden, Ogg, Parker, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Aikin, Andujar, Farabee, Hance, Harris, Jones of Harris, Kothmann, McKnight, Meier, Moore, Patman, Santiesteban, Sherman, Snelson.

The pending committee amendment as amended was then adopted by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Mengden, Ogg, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Andujar, McKnight, Meier, Moore, Santiesteban.

Senator Clower offered the following amendment to the bill:

Amend **S.B. 1280** by adding another sentence after the period on line 17 to read as follows:

A notice must be posted on each cattle guard to inform the public that livestock may be at large.

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Hance, McKnight, Moore, Patman, Santiesteban.

SENATE BILL 1280 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Hance, McKnight, Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Hance, Patman, Snelson and Adams asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 676 - by Snelson: Memorial resolution for Mrs. Jessie Eileen Buffington.

S.R. 678 - by Snelson: Memorial resolution for Mrs. Mary Jane Cummins.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 668 - by Doggett: Extending congratulations to Dr. and Mrs. William Mills Edwards.

S.R. 669 - by Doggett: Extending welcome to Reverend Bob Sheffield.

S.R. 670 - by Traeger: Extending welcome to St. James School 8th Grade Class.

S.R. 671 - by Clower: Extending congratulations to James Y. Allen.

S.R. 672 - by Adams: Extending congratulations to Cay Carruth.

S.R. 674 - by Clower: Extending congratulations to Ms. Lynn Boyden.

S.R. 675 - by Clower: Extending congratulations to Ms. Teresa Dunphy.

S.R. 677 - by Snelson: Extending congratulations to Mrs. Wilson Bryan.

S.R. 679 - by Meier: Extending congratulations to Mrs. Kathy Mitchell.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:16 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(May 16, 1977)

S.C.R. 4
S.J.R. 3
S.J.R. 55
S.B. 12
S.B. 18
S.B. 37
S.B. 52
S.B. 205
S.B. 426
S.B. 451
S.B. 548

S.B. 624
S.B. 742
S.B. 756
S.B. 219
S.B. 336

Sent to Comptroller

(May 16, 1977)

S.B. 679

SIXTY-NINTH DAY

(Tuesday, May 17, 1977)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Gary Dennis, Westlake Hills Presbyterian Church, Austin, Texas, offered the invocation as follows:

Deliver us Father, from empty hopes and from hanging on to lost causes, that we as the Senate may move into an ever-growing calm and ever-widening horizons of what can happen in our state.

Where we cannot convince, help us be willing to be persuaded...for small deeds done are better than great deeds not accomplished.

We know we cannot do everything. But help us to do something. For Jesus' sake, Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

S.C.R. 98 (Ordered not printed)
S.C.R. 99 (Ordered not printed)
S.C.R. 100 (Ordered not printed)